

## Mary Lou Terrien

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**From:** Hank <hankberry2@gmail.com>  
**Sent:** Wednesday, February 24, 2016 9:56 AM  
**To:** Mary Lou Terrien  
**Subject:** HB5232 testimony

My name is Hank Berry. I am a longtime resident of Huntington Woods and am communicating to you as a resident. I am also on Staff as the Zoning Administrator of Huntington Woods although to be clear I am not testifying in that capacity. These are my personal observations and concerns.

I wish to register opposition to the House bill 5232 and Senate Bill 720 and any subsequent versions. Let me point out that public Act 169 of 1970 says in section 399.202-Sec. 2. "Historic preservation is declared to be a public purpose" and therefore any way that restricts this would then be contrary to declared public purpose.

The Southeast Michigan Area boasts some of the finest examples of historic districts as well a spectacular architecture that fall under protection of the Local Historic Districts Act. Without this protection valuable resources would have been lost and the essential characteristics of neighborhoods would have been altered.

The Boston Edison District in Detroit comes to immediate mind as well as our own Hill District here in Huntington Woods. In the case of the Rackham Golf Course, the historic district was an instrumental tool in preserving a portion of land that equates to roughly 10-15% of our entire land base. There was a proposal for it being demolished in favor of a development. The establishment of the historic district recognized the history and value not only to Huntington Woods but the region as a whole and afforded the city protection from a development that was not in the best interest of the community as a whole. .

When looking at the proposed changes there are several concerns, asking the local unit to obtain 2/3 signatures again violates the public purpose statement from PA 169. The system as it sits provides for public hearings as well as countless open meetings. The requirement of 2/3 assumes that the pool of signatories are available, not absentee and full time residents and circumvents the use of public forums that are provided for in PA 169. It also assumes 2/3 is a possible number which can't happen in single resource or limited smaller districts such as our own Rackham Golf Course district.

The value of the neighborhood and the design and history is best evaluated by those qualified to study and make educated recommendations. I find that the strikeout of " contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation and shall contain representation from 1 or more" troublesome as it cuts out the very people most qualified to accurately review and provide insight.

The appointment of an elected official to the committee is perilous as it further politicizes the issue. The official has to do active work which is extensive and is then responsible to vote on it twice which may cause a conflict. There is an AG opinion that if a person serves on a planning commission as well as the

zoning board of appeals they cannot vote on both as it represents a conflict of interest. How does this differ?

The proposal of one person engaged in construction is in conflict, as the very nature of the profession dictates more is best as that's how they make their living. There are no qualifications proposed other than being in the business, there is not even a requirement that they be licensed or in good standing. It also does not qualify what part of the business they need to be engaged in. Is it the finance end, the hands on end, the procurement end?

Page 9 line 14 strikes out state historic preservation review board within the department and replaces it with the legislative body of the local unit, which fails to consider the merit of having the appeal reviewed by persons educated in the field. It also removes the local unit from claims of impartiality. The local unit would not typically make those decisions which is why state law provides for planning commissions, zoning boards of appeals and historic district commissions. The intent was and should still be to keep the local unit officials out of positions where there could be conflicts of interest.

Page 10 line 6 completely devalues the standards used for determining appropriateness with a catch all unless the commission finds a different standard is in the best interest of the community. This fails to explain what standards those might be and where they are to be found. Again if it isn't broke don't fix it.

Line 23 on page 10 says and the reasonableness of the additional costs required to complete a historically accurate rehabilitation. The issues here are that this is totally subjective, what one person calls reasonable may differ greatly. It also assumes that the historical road is in fact more costly which is a prejudicial statement as in many cases it is not.

Page 13 line 17 again assumes the local legislative body wants to be involved the reasons are clear and the MPEA and MZEA are clear examples of a separation of these powers. This repeats throughout the bill.

Page 16 line 8 on down fails to take into consideration that the local unit has the right to act in the best interest of the community at large not just a specific group. This is long evident in Michigan and national history. The needs of the many outweigh the needs of the few has long been a practice that is a very tenant of democracy. The assets of the community may well be its homes or downtowns with active main street programs and in our case even the Rackham Golf course. The golf course in itself represents an issue for the 2/3 compliance as it is a single resource district and 2/3 is an impossible task. There are many such instances where single resource districts could be affected.

Page 17 again uses 2/3 as a measure for elimination which fails to consider the value of the district(s) as a whole as well as the impact to the community or region. I can assure you if the Boston Edison District or Indian Village weren't labeled as LHD's there wouldn't be a lot of interest in the rehab or travel in and to those areas. The bulk of the restoration which was done was done under the format LHD tax credit program which the removal of was another mistake. According to Donovan Rypkema of Place Economics, a nationally recognized expert in the field, 70 cents of every dollar spent on restoration is a labor dollar. Restoration has far greater implications than looking good. Those dollars are spent locally and serve to stimulate the economy and should be restored as well. Instead of fighting this, with today's economic climate they should be embracing the opportunity to put people to work and spur the purchase of materials locally.

In short the preservation of our state and local resources are paramount to the revitalization to the state and we urge you to abandon this attack on our heritage and concentrate on the far more pressing issues that plague our state. The appeal process as it sits works just fine. Where is the fault in having an

educated, impartial body review the appeal? Preservation creates jobs, spurs the economy and provides sense of place not to mention curb appeal. Leave well enough alone.

Respectfully,

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